

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-12-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16551 of 2011

Pandian

.. Petitioner

-vs-

1.The Secretary to Government,
Rural Development Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner,
Rural Development,
Chepauk,
Chennai-600 005.

3.The District Collector,
Vellore District,
Vellore,
Tamil Nadu.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent herein to consider the petitioner's representation dated 21.6.2011 and promote the petitioner as Block Development Officer and place his name above his juniors Enbavalli and Nagarajan.

For Petitioner - Mr.S.V.Karthikeyan

For Respondents - Mr.K.Thangapandi,
Government Advocate.

ORDER

The relief sought for in this writ petition is for a direction to direct the third respondent to consider the representation submitted by the writ petitioner on 21.6.2011 and promote the writ petitioner as Block Development Officer.

2. The learned counsel, appearing on behalf of the writ petitioner, submits that the writ petitioner was appointed as Junior Assistant in the Department of Education in the year 1982 and thereafter transferred to Rural Development Department in the year 1986. The writ petitioner was promoted to the post of Assistant and subsequently as Extension Officer. The post of Extension Officer was re-designated as Deputy Block Development Officer.

3. The writ petitioner claims that he is fully qualified to be promoted as Block Development Officer as per Rule. However, his claim for promotion has not been considered in spite of his representation submitted to the third respondent on 21.6.2011.

4. The learned counsel for the writ petitioner states that disciplinary proceedings were initiated against the writ petitioner and he was not allowed to retire from service on attaining the age of superannuation and he was placed under suspension and his services were retained under Rule 56(1)(c) of the Fundamental Rules.

5. This Court is not clear in respect of his eligibility during the relevant point of time, however, pendency of disciplinary proceedings is a bar for promotion, including notional promotion. The learned counsel for the writ petitioner states that, during the relevant point of time, the writ petitioner was eligible for promotion and he was not considered for the same. However, this Court is of the opinion that in this regard, the respondents ought to have furnished some reply or otherwise to the writ petitioner and the same has not been done.

6. Thus, without going into the merits of the matter, the third respondent is directed to consider the representation submitted by the writ petitioner on 21.6.2011 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation along with the order passed in this writ petition.

7. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

Svn
To

1.The Secretary to Government,
Rural Development Department,
Fort St. George,
Chennai-600 009.

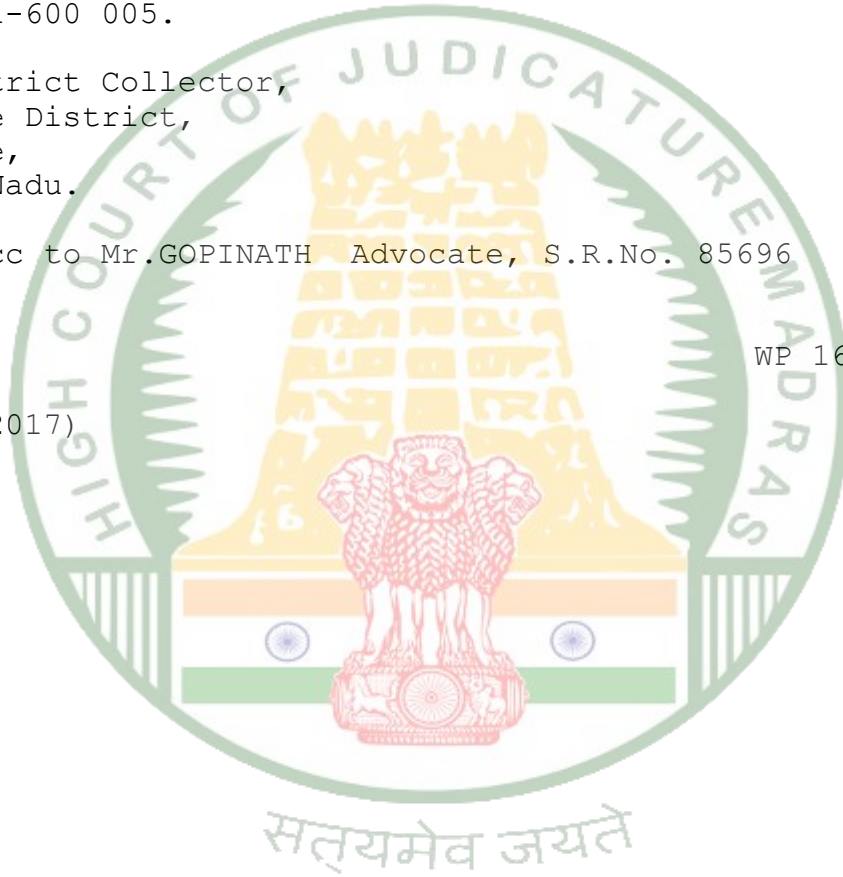
2.The Commissioner,
Rural Development,
Chepauk,
Chennai-600 005.

3.The District Collector,
Vellore District,
Vellore,
Tamil Nadu.

+1cc to Mr.GOPINATH Advocate, S.R.No. 85696

WP 16551 of 2011

TR(18/12/2017)



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